



Paper No. 4

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JUL 18 2002

OFFICE OF PETITIONS

In re Application of :
Joseph A.A.M. Tourne :
Application No. 10/051,418 : DECISION DISMISSING
Filed: 30 October, 2001 : PETITION
Attorney Docket No. 2654-001 :

This is a decision on the petition filed on 17 May, 2002, requesting that the "Notice to File Missing Parts of Nonprovisional Application" mailed 4 April, 2002, in the above-identified application be vacated to the extent that it states that Page 6 of the specification appeared to have been omitted from the application.

The application was filed on 30 October, 2001. However, on 4 April, 2002, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application" stating that the application had been accorded a filing date of 30 October, 2001, and advising applicants that, *inter alia*, Page 6 of the specification (description and claims) appeared to have been omitted from the application.

In response, on 17 May, 2002, the present petition was filed, along with a petition fee of \$130.00. Petitioner asserts that Page 6 was filed with the other application papers deposited on 30 October, 2001, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 30 October, 2001, and bears the above-identified application number. The postcard identifies the application by the sole inventor's

name and invention title, and acknowledges receipt of, *inter alia*, 11 pages of specification, claims, and abstract. Petitioners request that the application, including Page 8 of the specification, be accorded a filing date of 30 October, 2001.

A review of the record reveals that no Page 8 of the specification has been located among the application papers deposited on 30 October, 2001. However, the evidence is convincing that the application papers deposited on 30 October, 2001, included Page 8 of the specification, which was subsequently misplaced in the Office.

The petition is dismissed, however, because petitioner has not supplied a copy of Page 8 of the specification originally filed. Petitioners must therefore supply a copy of Page 8 of the 11 pages of specification filed on 30 October, 2001. The petition is therefore dismissed without prejudice to reconsideration pending submission of a copy of Page 8.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of 30 October, 2001, using only the application papers filed on that date.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner of Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 303-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquires should be directed to the undersigned at 703-308-6918.

A handwritten signature in cursive script, appearing to read "D. Wood".

Douglas I. Wood
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy